

ESTTA Tracking number: **ESTTA546620**

Filing date: **07/03/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Michael Zaletel
Granted to Date of previous extension	07/03/2013
Address	366 Calle Juan H. Cintron, Estancias del Golf Club Ponce, PR 00703 UNITED STATES
Party who filed Extension of time to oppose	MichaelZaletel
Relationship to party who filed Extension of time to oppose	Due to a typographical error, there was no space between Opposer's first name and surname on the extension request. Opposer would like to correct this in the Notice of Opposition

Attorney information	Andrew B. Katz Belles Katz LLC 721 Dresher Road, Suite 1100 Horsham, PA 19044 UNITED STATES akatz@belleskatz.com Phone:215-658-1890
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### Applicant Information

Application No	85683414	Publication date	03/05/2013
Opposition Filing Date	07/03/2013	Opposition Period Ends	07/03/2013
Applicant	i4Vu, Inc. Suite 204 4410 El Camino Real Los Altos, CA 940221070 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: Computer hardware and computer software programs for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications; Computer software for controlling the operation of audio and video devices; Computer software for sending, receiving, multiplexing, demultiplexing, transforming, selecting, ingesting, monetizing, measuring, and managing media, namely video, audio, and data, over the internet or managed networks based on the internet protocol; Computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images and moving pictures; Computer software, namely, software development tools for the creation of mobile internet applications and client interfaces

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3759332	Application Date	05/12/2005
Registration Date	03/09/2010	Foreign Priority Date	NONE
Word Mark	I4VEGAS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 2009/12/01 First Use In Commerce: 2009/12/01 apparel, namely, shirts and t-shirts</p> <p>Class 039. First use: First Use: 2009/12/01 First Use In Commerce: 2009/12/01 Travel information services; on-line travel information services; travel agency services, namely, making reservation and booking services for air, land and sea transportation; on-line travel agency services, namely, making reservations and bookings for transportation</p> <p>Class 041. First use: First Use: 2009/12/01 First Use In Commerce: 2009/12/01 Concert and theatrical booking; booking of seats for shows and booking of theatre tickets; arranging for ticket reservations for shows and other entertainment events</p>		

U.S. Registration No.	3092868	Application Date	05/12/2005
Registration Date	05/16/2006	Foreign Priority Date	NONE
Word Mark	I4VEGAS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 043. First use: First Use: 1999/06/00 First Use In Commerce: 1999/06/00 Booking and reservation services for hotels, temporary lodging, restaurants, and meals</p>		

U.S. Registration No.	2445130	Application Date	07/19/1999
Registration Date	04/17/2001	Foreign Priority Date	NONE
Word Mark	I4		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/24 Providing general information in a wide variety of fields by means of a global computer network</p>		

U.S. Registration	2458307	Application Date	07/19/1999
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No.			
Registration Date	06/05/2001	Foreign Priority Date	NONE
Word Mark	I4WEB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/24 providing general information in a wide variety of fields by means of a global computer network		

U.S. Registration No.	2458306	Application Date	07/19/1999
Registration Date	06/05/2001	Foreign Priority Date	NONE
Word Mark	I4BUSINESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/08/15 First Use In Commerce: 2000/09/20 Providing general information in a wide variety of fields by means of a global computer network		

U.S. Registration No.	2458305	Application Date	07/19/1999
Registration Date	06/05/2001	Foreign Priority Date	NONE
Word Mark	I4DESIGN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/24 Providing general information in a wide variety of fields by means of a global computer network		

U.S. Registration No.	2466442	Application Date	07/19/1999
Registration Date	07/03/2001	Foreign Priority Date	NONE
Word Mark	I4ART		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/24 Providing general information in a wide variety of fields by means of a global computer network		

U.S. Registration No.	2458304	Application Date	07/19/1999
Registration Date	06/05/2001	Foreign Priority	NONE

		Date	
Word Mark	I4WOMEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/08/15 First Use In Commerce: 2000/09/20 Providing general information in a wide variety of fields by means of a global computer network		

U.S. Registration No.	2458303	Application Date	07/19/1999
Registration Date	06/05/2001	Foreign Priority Date	NONE
Word Mark	I4MEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/08/15 First Use In Commerce: 2000/09/20 Providing general information in a wide variety of fields by means of a global computer network		

U.S. Registration No.	2445129	Application Date	07/19/1999
Registration Date	04/17/2001	Foreign Priority Date	NONE
Word Mark	I4HEALTH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/24 Providing general information in a wide variety of fields by means of a global computer network		

U.S. Registration No.	2445128	Application Date	07/19/1999
Registration Date	04/17/2001	Foreign Priority Date	NONE
Word Mark	I4NEWS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/24 Providing general information in a wide variety of fields by means of a global computer network		

U.S. Registration No.	2476432	Application Date	07/19/1999
Registration Date	08/07/2001	Foreign Priority Date	NONE
Word Mark	I4TRAVEL		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/24 providing travel information services by means of a global computer network in the fields of tourist brokers and tourist agencies for personal travel and the transport of goods by rail, road, water, air or pipeline

U.S. Registration No.	2483267	Application Date	07/02/1999
Registration Date	08/28/2001	Foreign Priority Date	NONE
Word Mark	I4 SITES		
Design Mark			
Description of Mark	The mark consists in part of an animated character in the form of the letter "I" with the dot of the "I" being an eyeball with eyelashes and the line of the "I" being shaped to look like a movable character. This special letter "I" is followed by the term "4SITES".		
Goods/Services	Class 042. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/24 Providing general information in a wide variety of fields by means of a global computer network		

U.S. Registration No.	4198273	Application Date	01/19/2012
Registration Date	08/28/2012	Foreign Priority Date	NONE
Word Mark	I4		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 PHOTOGRAPHIC ACCESSORIES-NAMELY, CAMERA HOLDERS, TRIPODS, AND CASES THEREFOR		

U.S. Registration No.	4213218	Application Date	01/20/2012
Registration Date	09/25/2012	Foreign Priority Date	NONE
Word Mark	I4MOVIES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 providing information about movies by means of a global computer network		

U.S. Registration No.	4213219	Application Date	01/20/2012
Registration Date	09/25/2012	Foreign Priority Date	NONE
Word Mark	I4MUSIC		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 providing information about music by means of a global computer network

Attachments	Notice of Opposition__i4VU_07-02-2013.pdf(41465 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Andrew B. Katz/
Name	Andrew B. Katz
Date	07/03/2013



Described Goods”). Accordingly, Zaletel hereby opposes registration of the Mark in International Class 009.

As grounds for opposition, Opposer alleges as follows:

1. Since 1999, Zaletel has been using many marks with the “i4” prefix in connection with many websites, most of which provide general information in a wide variety of fields by means of a global computer network. Many of the marks that form Zaletel’s family of “i4” marks are registered with the United States Patent and Trademark Office, as set forth in the table below. Zaletel possesses additional websites with the i4 prefix as well.

	<b>Serial Number</b>	<b>Reg. Number</b>	<b>Word Mark</b>
1	78628424	3759332	I4VEGAS
2	78628415	3092868	I4VEGAS
3	75735249	2445130	I4
4	75735247	2458307	I4WEB
5	75735246	2458306	I4BUSINESS
6	75735244	2458305	I4DESIGN
7	75735243	2466442	I4ART
8	75735242	2458304	I4WOMEN
9	75735241	2458303	I4MEN
10	75735240	2445129	I4HEALTH
11	75735239	2445128	I4NEWS
12	75735237	2476432	I4TRAVEL
13	75725155	2483267	I4 SITES
14	85520655	4198273	I4
15	85520994	4213218	i4movies
16	85520995	4213219	i4music

2. Zaletel has taken great care to register and protect its rights in this family of i4 and i4- prefix marks (hereinafter “the i4 marks”) for its goods and services.

3. Zaletel offers for license computer software programs that it developed and markets under various “i4” names, such as i4bid, i4sales, i4contacts, i4words, i4agents, i4chat, i4calls, and i4mail.



These software programs cover a great deal of e-commerce and infotech applications such as CRM, ERP, e-commerce, back-office, and real-time accounting.

4. Zaletel's i4Central software suite for managing a web-based business uses the following i4-formative trademarks: i4business, i4analysis, i4projects, i4inventory, i4advertising, i4sales, i4comm, i4systems, and i4admin. Zaletel's i4sales software suite for managing sales uses the following i4-formative marks: i4calls, i4infax, i4changes, i4mail, i4memos, i4audits, and i4suppliers. Zaletel also offers a web-based software application that manages price-per-click key words in connection with the mark i4bids.

5. The goods identified in Applicant's description of goods are similar to the goods and services offered by Zaletel under his family of i4-formative marks.

6. Zaletel has spent a tremendous amount of time and money marketing and promoting his goods and services under his family of i4 marks. Zaletel's websites and software marketed under the i4 marks are well known.

7. The dates of first use of Zaletel's i4 marks precede any date on which Applicant may rely to support its Application.

8. Applicant's Mark is confusingly similar to each of Zaletel's i4 Marks and his family of i4 marks.

9. Zaletel's goods and services and Applicant's goods are capable of sale to and use by the same class of purchasers.

10. Zaletel's goods and services and Applicant's goods would be found in the same channels of trade.

11. Applicant's Mark, when applied to the goods in International Class 009 of Applicant's application are likely to cause confusion or mistake or to deceive, and will deceive and mislead the trade and purchasing public into believing that Applicant's goods are the goods of Zaletel, or that Applicant's goods are sponsored, approved or endorsed by Zaletel, or that Applicant is affiliated with Zaletel, or that

Applicant is in some way related to Zaletel.

12. By reason of the foregoing facts, Opposer will be damaged by the registration of Applicant's mark in International Class 009.

WHEREFORE, Opposer prays that this opposition be sustained and that the registration sought by Applicant in International Class 009 and as fully set out in the caption of this Opposition be denied.

Opposer appoints the following as its attorneys with full power of substitution, association and revocation in the above-entitled opposition to prosecute same and to transact all business in the United States Patent and Trademark Office in connection with said opposition:

Andrew B. Katz, Esq., U.S.P.T.O. Reg. No. 34,200  
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This paper is being filed electronically through ESSTA. Payment in the amount of the three hundred dollars (\$300.00) filing fee is being made via credit card. To the extent that any additional funds are required for this filing, the Commissioner is authorized to charge any such fee to PTO Deposit Account No. 50-3656. The undersigned is an authorized user of this account.

Respectfully submitted,

BELLES KATZ LLC

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ATTORNEY FOR MICHAEL E. ZALETEL

Dated: July 2, 2013

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of July 2013 a true and correct copy of the foregoing Notice of Opposition (along with this Certificate of Service) was sent by first class mail, postage pre-paid to the Applicant, i4Vu, Inc., at the following address:

i4Vu, Inc.  
4410 El Camino Real, Suite 204  
Los Altos, California 94022-1070

/Andrew B. Katz/  
Andrew B. Katz